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7 Attorneys for Complainant

8 **BEFORE THE**  
9 **BOARD OF REGISTERED NURSING**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 2008-249

13 CHERI R. MASON  
A.K.A. CHERYL RUTH MASON  
14 A.K.A. CHERI RUTH MASON TORRES  
8192 Parkview Drive  
Ventura, CA 93001

**A C C U S A T I O N**

15 Registered Nurse License No. 403098  
Public Health Nurse Advanced Certification No. 60469  
16 Nurse Practitioner Advanced Certification and Furnishing  
Certification No. 14387

17 Respondent.  
18

19 Complainant alleges:

20 PARTIES

21 1. Ruth Ann Terry, M.P.H, R.N (Complainant) brings this Accusation solely  
22 in her official capacity as the Executive Officer of the Board of Registered Nursing, Department  
23 of Consumer Affairs (Board).

24 2. On or about August 31, 1986, the Board of Registered Nursing issued  
25 Registered Nurse License No. 403098 to Cheri R. Mason a.k.a. Cheryl Ruth Mason a.k.a. Cheri  
26 Ruth Mason Torres (Respondent). The Registered Nurse License was in full force and effect at  
27 all times relevant to the charges brought herein and will expire on September 30, 2008, unless  
28 renewed.

3. On or about April 21, 1999, the Board of Registered Nursing issued Public Health Nurse Advanced Certification No. 60469 to Cheri R. Mason a.k.a. Cheryl Ruth Mason a.k.a. Cheri Ruth Mason Torres (Respondent). The Public Health Nurse Advanced Certification was in full force and effect at all times relevant to the charges brought herein and will expire on September 30, 2008, unless renewed.

4. On or about July 30, 2003, the Board of Registered Nursing issued Nurse Practitioner Certification No. 14387 to Cheri R. Mason a.k.a. Cheryl Ruth Mason a.k.a. Cheri Ruth Mason Torres (Respondent). The Nurse Practitioner Certification was in full force and effect at all times relevant to the charges brought herein and will expire on September 30, 2008, unless renewed.

5. On or about May 17, 2004, the Board of Registered Nursing issued Nurse Practitioner Advanced Certification and Furnishing Certification No. 14387 to Cheri R. Mason a.k.a. Cheryl Ruth Mason a.k.a. Cheri Ruth Mason Torres (Respondent). The Nurse Practitioner Advanced Certification and Furnishing Certification was in full force and effect at all times relevant to the charges brought herein and will expire on September 30, 2008, unless renewed.

## JURISDICTION

6. This Accusation is brought before the Board of Registered Nursing (Board), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

7. Section 2750 of the Business and Professions Code (Code) provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

8. Section 2764 of the Code provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license. Under section 2811(b) of the Code, the Board may renew an expired license at any time within eight years after the expiration.

1           9.       Section 2761 of the Code states:

2           “The board may take disciplinary action against a certified or licensed nurse or  
3 deny an application for a certificate or license for any of the following:

4           “(a) Unprofessional conduct, which includes, but is not limited to, the following:

5           “(1) Incompetence, or gross negligence in carrying out usual certified or licensed  
6 nursing functions.”

7           10.       Section 2762 of the Code states:

8           “In addition to other acts constituting unprofessional conduct within the meaning  
9 of this chapter [the Nursing Practice Act], it is unprofessional conduct for a person licensed  
10 under this chapter to do any of the following:

11           “(a) Obtain or possess in violation of law, or prescribe, or except as directed by a  
12 licensed physician and surgeon, dentist, or podiatrist administer to himself or herself, or furnish  
13 or administer to another, any controlled substance as defined in Division 10 (commencing with  
14 Section 11000) of the Health and Safety Code or any dangerous drug or dangerous device as  
15 defined in Section 4022.

16           “(b) Use any controlled substance as defined in Division 10 (commencing with  
17 Section 11000) of the Health and Safety Code, or any dangerous drug or dangerous device as  
18 defined in Section 4022, or alcoholic beverages, to an extent or in a manner dangerous or  
19 injurious to himself or herself, any other person, or the public or to the extent that such use  
20 impairs his or her ability to conduct with safety to the public the practice authorized by his or her  
21 license.

22           . . . .

23           “(e) Falsify, or make grossly incorrect, grossly inconsistent, or unintelligible  
24 entries in any hospital, patient, or other record pertaining to the substances described in  
25 subdivision (a) of this section.”

26           11.       California Code of Regulations, title 16, section 1442, states:

27           "As used in Section 2761 of the code, 'gross negligence' includes an extreme  
28 departure from the standard of care which, under similar circumstances, would have ordinarily

1 been exercised by a competent registered nurse. Such an extreme departure means the repeated  
2 failure to provide nursing care as required or failure to provide care or to exercise ordinary  
3 precaution in a single situation which the nurse knew, or should have known, could have  
4 jeopardized the client's health or life."

5 12. California Code of Regulations, title 16, section 1443, states:

6 "As used in Section 2761 of the code, 'incompetence' means the lack of possession  
7 of or the failure to exercise that degree of learning, skill, care and experience ordinarily possessed  
8 and exercised by a competent registered nurse as described in Section 1443.5."

9 13. Section 125.3 of the Code provides, in pertinent part, that the Board may  
10 request the administrative law judge to direct a licentiate found to have committed a violation or  
11 violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation  
12 and enforcement of the case.

#### 13 CONTROLLED SUBSTANCES / DANGEROUS DRUGS

14 14. Vicoprofen is the brand name for a fixed combination of hydrocodone, a  
15 narcotic and controlled substance, and ibuprofen, an anti-inflammatory and analgesic, a  
16 Schedule II controlled narcotic substance pursuant to Health and Safety Code section  
17 11055(b)(1)(J) and a dangerous drug pursuant to Business and Professions Code section 4022(c).

#### 18 FIRST CAUSE FOR DISCIPLINE

##### 19 **(False Records)**

20 15. Respondent is subject to disciplinary action under section 2762(e) in that  
21 Respondent falsified or made grossly incorrect entries in hospital and patient records pertaining  
22 to dangerous drugs. The circumstances are as follows:

23 16. On or about January 19, 2005, Respondent altered a physician's  
24 prescription to procure a dangerous drug (Vicoprofen) for her own use and subsequently made  
25 false entries authorizing the use of Vicoprofen in the chart notes for patient M.R. Respondent  
26 admitted she did not give the prescription for Vicoprofen to the patient as she had initially  
27 represented and that she had subsequently altered the patient's chart notes by writing in an order  
28 for Vicoprofen.

1 **SECOND CAUSE FOR DISCIPLINE**

2 **(Dangerous Use of Controlled Substances)**

3 17. Respondent is subject to disciplinary action under section 2762(b) in that  
4 Respondent used a controlled substance or dangerous drug in a manner dangerous or injurious to  
5 herself and/ or to others, and to an extent that her ability to conduct with safety to the public the  
6 practice of nursing was impaired. The circumstances are as follows:

7 18. On or about January 19, 2005, two days after having a prescription for 30  
8 tablets of Vicoprofen filled, Respondent exhibited behavior consistent with being under the  
9 influence of a controlled substance while on duty. Respondent fell off of a stool upon which she  
10 had been sitting and on another occasion that same day, almost fell on top of a patient who was  
11 in the process of getting a pelvic exam. On yet another occasion that same day, Respondent  
12 brought a patient to the referral clerk's office to initiate a referral, but failed to fill out the note  
13 completely and the next morning she could not recall bringing the patient to the clerk's office nor  
14 referring the patient. The patient reported that Respondent had asked her the same questions at  
15 least three times during her interview even though the patient answered the questions clearly each  
16 time. The patient also reported that Respondent had apologized to her for being "really tired" and  
17 that Respondent did not seem to be competent. A co-worker of Respondent specifically asked the  
18 Medical Director about what was "wrong with Mason" and noted that Respondent was "acting  
19 weird."

20 **THIRD CAUSE FOR DISCIPLINE**

21 **(Incompetence/ Gross Negligence - Impaired While On Duty)**

22 19. Respondent is subject to disciplinary action under section 2761(a)(1) in  
23 that on or about January 19, 2005, Respondent demonstrated unprofessional conduct and  
24 incompetence/ gross negligence by functioning as a registered nurse under the influence of a  
25 mind-altering substance as more fully described in paragraphs 16 and 17.

26 **DISCIPLINE CONSIDERATIONS**

27 20. To determine the degree of discipline, if any, to be imposed on  
28 Respondent, Complainant alleges that on or about January 8, 1997, in a prior disciplinary action

1 entitled *In the Matter of the Accusation Against: Cheri R. Mason a.k.a. Cheri Ruth Mason Torres*  
2 before the Board of Registered Nursing, in Case No. 96-8, Respondent's license was revoked,  
3 but revocation was stayed for a period of three years, by Respondent's stipulation and admission  
4 to the following causes for discipline:

5 a. For violation of section 2761(a) on the grounds of unprofessional conduct  
6 as defined in section 2762(a) in that Respondent obtained Demerol, a Schedule II controlled  
7 substance, in violation of Health & Safety Code section 11173(a) by fraud, deceit,  
8 misrepresentation or subterfuge for her own personal use; possessed Demerol for which she had  
9 no prescription in violation of Health & Safety Code section 4230; and self-administered  
10 Demerol without lawful directions from a licensed physician, surgeon, dentist or podiatrist.

11 b. For violation of section 2761(f) in that Respondent was convicted by the  
12 Court on a plea of guilty of violating Vehicle Code section 20002(a) (hit and run) in Ventura  
13 County Municipal Court Case Number 91S003326, entitled *People v. Cheri R. Mason (aka Cheri*  
14 *Masontorres)*.

15 c. For violation of section 490 in that Respondent was convicted of a crime  
16 substantially related to the qualifications, functions or duties of a registered nurse as defined in  
17 Title 16, California Code of Regulations, section 1444, as set forth in paragraph 19(b).

18 d. For violation of section 2761(a) in that Respondent's conduct, as set forth  
19 in paragraphs 19(a), (b), and (c) constituted unprofessional conduct.

20 The decision in Case No. 96-8 is now final and is fully incorporated by reference.

21 21. Also for purposes of determining the degree of discipline, if any, to be  
22 imposed on Respondent, Complainant alleges that on or about June 12, 2006, Respondent was  
23 arrested by the California Highway Patrol for violation of Vehicle Code section 23152(a)  
24 (driving under the influence of drugs or alcohol) after Respondent's car was observed weaving  
25 between lanes on the Ventura Freeway. Respondent exhibited signs of physical impairment and  
26 performed poorly on field sobriety tests. She initially denied taking any medication, but later  
27 admitted to having ingested Xanax and Wellbutrin, both central nervous system depressants,  
28 prior to driving.

1 PRAYER

2 WHEREFORE, Complainant requests that a hearing be held on the matters herein  
3 alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

4 1. Revoking or suspending Registered Nurse License No. 403098, issued to  
5 Cheri R. Mason a.k.a. Cheryl Ruth Mason a.k.a. Cheri Ruth Mason Torres.

6 2. Revoking or suspending Public Health Nurse Advanced Certification No.  
7 60469, issued to Cheri R. Mason a.k.a. Cheryl Ruth Mason a.k.a. Cheri Ruth Mason.

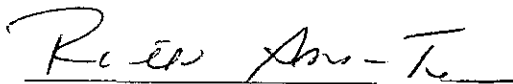
8 3. Revoking or suspending Nurse Practitioner Certification No. 14387,  
9 issued to Cheri R. Mason a.k.a. Cheryl Ruth Mason a.k.a. Cheri Ruth Mason.

10 4. Revoking or suspending Nurse Practitioner Advanced Certification and  
11 Furnishing Certification No. 14387, issued to Cheri R. Mason a.k.a. Cheryl Ruth Mason a.k.a.  
12 Cheri Ruth Mason.

13 5. Ordering Cheryl R. Mason to pay the Board of Registered Nursing the  
14 reasonable costs of the investigation and enforcement of this case, pursuant to Business and  
15 Professions Code section 125.3;

16 6. Taking such other and further action as deemed necessary and proper.

17 DATED: 2/27/08

18  
19   
20 RUTH ANN TERRY, M.P.H., R.N.  
21 Executive Officer  
22 Board of Registered Nursing  
23 Department of Consumer Affairs  
24 State of California  
25 Complainant

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5  
6 Attorneys for Complainant

7  
8 BEFORE THE  
BOARD OF REGISTERED NURSING  
DEPARTMENT OF CONSUMER AFFAIRS  
9 STATE OF CALIFORNIA

10 In the Matter of the Accusation ) No. 96-8  
Against: )  
11 )  
12 CHERI R. MASON ) ORDER ADOPTING STIPULATION  
aka CHERI RUTH MASON TORRES )  
13 1315 Hanover Lane )  
Ventura, California 93001 )  
14 License No. 403098 )  
15 )  
Respondent. )  
16 \_\_\_\_\_ )

17  
18 The attached document designated as STIPULATION IN SETTLEMENT  
19 OF ACCUSATION is hereby accepted and adopted by the Board of  
20 Registered Nursing and shall constitute the decision of the Board  
21 in this matter.

22  
23 This order adopting the Stipulation shall become effec-  
24 tive January 8, 1997.

25 DATED: December 9, 1996.

26   
President  
27 BOARD OF REGISTERED NURSING  
STATE OF CALIFORNIA



ORIGINAL

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8 BEFORE THE  
BOARD OF REGISTERED NURSING  
9 DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA  
10

11 In the Matter of the Accusation	)	NO. 96-8
Against:	)	
12	)	STIPULATION IN
13 CHERI R. MASON	)	SETTLEMENT OF
aka CHERI RUTH MASON TORRES	)	ACCUSATION
13 1315 Hanover Lane	)	
14 Ventura, California 93001	)	
License No. 403098,	)	
15	)	
Respondent.	)	
16	)	

17 IT IS HEREBY STIPULATED BY AND BETWEEN the parties in  
18 the above-entitled matter as follows:

19 1. An accusation is presently pending before the  
20 Board of Registered Nursing (hereinafter "the Board") against  
21 Cheri R. Mason (hereinafter "respondent"). A true copy of said  
22 accusation is attached hereto and incorporated herein by this  
23 reference as though set forth in full.

24 2. Respondent is aware of her right to hire an  
25 attorney at her expense to represent her in this matter, her  
26 right to contest the accusation, including the right to a hearing  
27 on the allegations set forth therein, her right to confront and

1 cross-examine the witnesses against her, her right to present  
2 to present evidence on her own behalf and her right to  
3 reconsideration and review by the Superior Court and the Court of  
4 Appeal, and any and all other rights that may be accorded her  
5 pursuant to the Administrative Procedure Act and Code of Civil  
6 Procedure.

7           3. Respondent freely and voluntarily waives each of  
8 the aforementioned rights, and for the purpose of settlement of this  
9 matter stipulates to the truth of the factual allegations set  
10 forth in Paragraphs 1, 2, 4, 5 (a) through (c) and 6 of the  
11 accusation.

12           4. Pursuant to the foregoing stipulations, waivers  
13 and admissions, respondent further stipulates that she is subject  
14 to disciplinary action pursuant to Business and Professions code  
15 sections 2761(a), 2761(f) and 490 as alleged in the accusation.

16           5. Pursuant to the foregoing, it is further  
17 stipulated that the Board may enter the following order as its  
18 decision in this matter:

19                           ORDER

20           Registered Nurse License No. 403098 heretofore issued  
21 to respondent is revoked provided, however, that said revocation  
22 is stayed and respondent is placed on probation to the Board for  
23 a period of three years subject to the following terms and  
24 conditions:

25           A. OBEY ALL LAWS - Respondent shall obey all  
26 federal, state and local laws, and all rules, and  
27 regulations of the Board of Registered Nursing

1 governing the practice of nursing in California. A  
2 full and detailed account of any and all violations of  
3 law shall be reported by the respondent to the Board in  
4 writing within seventy-two (72) hours of occurrence.  
5 To permit monitoring of compliance with this term,  
6 respondent shall submit completed fingerprint cards and  
7 fees within 45 days of the effective date of the  
8 decision, unless previously submitted as part of the  
9 licensure application process.

10 B. COMPLY WITH PROBATION PROGRAM - Respondent  
11 shall fully comply with the terms and conditions of the  
12 Probation Program established by the Board and  
13 cooperate with representatives of the Board in its  
14 monitoring and investigation of the respondent's  
15 compliance with the Program. Respondent shall inform  
16 the Board in writing within no more than 15 days of any  
17 address change and shall at all times maintain an  
18 active, current license status with the Board,  
19 including during any period of suspension.

20 C. REPORT IN PERSON - Respondent, during the  
21 period of probation, shall appear in person at  
22 interviews/meetings as directed by the board or its  
23 designated representatives.

24 D. ABSENCE FROM STATE - Periods of residency or  
25 practice outside of California will not apply to the  
26 reduction of this probationary term. The respondent  
27 must provide written notice to the Board within 15 days

1 of any change of residency or practice outside the  
2 state.

3 E. SUBMIT WRITTEN REPORTS - Respondent, during  
4 the period of probation, shall submit written  
5 reports/declarations and verification of actions under  
6 penalty of perjury as are required. These declarations  
7 shall contain statements relative to respondent's  
8 compliance with all the terms and conditions of the  
9 Board's Probation Program. Respondent shall  
10 immediately execute all release of information forms as  
11 required by the Board or representative.

12 F. FUNCTION AS A REGISTERED NURSE - Respondent  
13 during the period of probation, shall engage in the  
14 practice of professional nursing in California for a  
15 minimum of 24 hours per week (or as determined by  
16 Board) for six consecutive months. Per section 2732 of  
17 the Business and Professions Code, no person shall  
18 engage in the practice of registered nursing without  
19 holding a license which is in active status.

20 G. NURSING PRACTICE - The Board shall be  
21 informed of and approve of each agency for which the  
22 respondent provides nursing services prior to  
23 respondent's commencement of work. The respondent  
24 shall inform her employer of the reason for and the  
25 terms and conditions of probation and shall provide a  
26 copy of the Board's decision and order to her employer  
27 and immediate supervisor. The employer shall submit

1 performance evaluations and other reports as requested  
2 by the Board. Respondent is also required to notify  
3 the Board in writing within seventy-two (72) hours  
4 after termination of any nursing employment. Any  
5 notification of termination shall contain a full  
6 explanation of circumstances surrounding it.

7 H. SUPERVISION - The Board shall be informed of  
8 and approve of the level of supervision provided to the  
9 respondent while she is functioning as a registered  
10 nurse. The appropriate level of supervision must be  
11 approved by the Board prior to commencement of work.  
12 Respondent shall practice only under the direct  
13 supervision of a registered nurse in good standing (no  
14 current discipline) with the Board of Registered  
15 Nursing.

16 I. EMPLOYMENT LIMITATIONS - Respondent may not  
17 work for a nurse registry; temporary nurse agency; home  
18 care agency; in-house nursing pool; as a nursing  
19 supervisor; as a faculty member in an approved school  
20 of nursing; or as an instructor in a Board-approved  
21 continuing education program. Respondent must work  
22 only on a regularly assigned, identified and  
23 predetermined worksite(s) with appropriate supervision  
24 as approved by the Board.

25 J. COMPLETE A NURSING COURSE(S) - Respondent at  
26 her expense, shall begin and successfully complete a  
27 course(s) in nursing as directed by the Board prior to

1 engaging in the practice of nursing and prior to the  
2 end of the probationary term.

3 The respondent may be suspended from practicing  
4 nursing until the necessary coursework is completed.  
5 The content of such course(s) and the place and  
6 conditions of instruction shall be specified by Board  
7 representatives at the time of the initial probation  
8 meeting based on the nature of the violations).  
9 Specific courses must be approved prior to enrollment.  
10 The respondent must submit written proof of enrollment  
11 and proof of successful completion. Transcripts or  
12 certificates of completion must be mailed directly to  
13 the Board by the agency or entity instructing the  
14 respondent.

15 Home study or correspondence courses are not  
16 acceptable and will not be approved.

17 K. COST RECOVERY - Respondent shall pay to the  
18 Board costs associated with its investigation and  
19 enforcement pursuant to Business and Professions Code  
20 section 125.3 in the amount of \$3400. Respondent shall  
21 be permitted to pay these costs in a payment plan  
22 approved by the Board, with payments to be completed no  
23 later than three months prior to the end of the  
24 probation term.

25 L. VIOLATION OF PROBATION - If respondent  
26 violates the conditions of his probation, the Board  
27 after giving the respondent notice and an opportunity

1 to be heard, may set aside the stay order and impose  
2 the stayed discipline (revocation/suspension) of the  
3 respondent's license.

4 If during the period of probation, an accusation  
5 or petition to revoke probation has been filed against  
6 respondent's license or the Attorney General's Office  
7 has been requested to prepare an accusation or petition  
8 to revoke probation against the respondent's license,  
9 the probationary period shall automatically be extended  
10 and shall not expire until the accusation or petition  
11 has been acted upon by the Board. Upon successful  
12 completion of probation, the respondent's license will  
13 be fully restored.

14 M. PHYSICAL EXAMINATION - Respondent, at her  
15 expense, within 45 days of the effective date of this  
16 decision, shall have a licensed physician submit, in a  
17 format acceptable to the Board, an assessment of the  
18 respondent's physical condition and capability to  
19 perform the duties of a professional registered nurse.  
20 If medically determined, a recommended treatment  
21 program will be instituted and followed by the  
22 respondent with the physician providing written reports  
23 to the Board on forms provided by the Board.

24 N. PARTICIPATE IN REHABILITATION PROGRAM FOR  
25 CHEMICAL DEPENDENCE - Respondent, at his expense, shall  
26 successfully complete or shall have successfully  
27 completed a treatment/rehabilitation program of at

1 least six months duration which the Board approves.  
2 Reports shall be submitted by the program on forms  
3 provided by the Board. If respondent has not completed  
4 a treatment program prior to commencement of probation,  
5 the respondent, within a reasonable period of time as  
6 determined by the Board (but not exceeding 45 days from  
7 the effective date of the decision) shall be enrolled  
8 in a treatment program. If a treatment program is not  
9 successfully completed within the first nine months of  
10 probation, the Board will consider the respondent to be  
11 in violation of probation and will initiate further  
12 disciplinary action against the respondent's license.

13 In addition, respondent must attend two, 12-step  
14 recovery meetings per week (e.g., Narcotics Anonymous,  
15 Alcoholic Anonymous, etc.) and a nurse support group as  
16 directed by the Board. If a nurse support group is not  
17 available, an additional 12-step meeting must be added.  
18 Respondent must submit dated and signed documentation  
19 confirming such attendance to the Board during the  
20 entire period of probation.

21 O. ABSTAIN FROM USE OF PSYCHOTROPIC (MOOD-  
22 ALTERING DRUGS - Respondent shall completely abstain  
23 from the possession, injection or consumption by any  
24 route of all psychotropic (mood altering) drugs,  
25 including alcohol, except when the same are lawfully  
26 prescribed by a licensed physician or dentist as part  
27 of documented medical treatment. Respondent shall have



1 sent to the Board, in writing, and within fourteen (14)  
2 days, by the prescribing physician or dentist, a report  
3 identifying the medication, dosage, the date the  
4 medication was prescribed, the respondent's prognosis,  
5 and the date the medication will no longer be required.

6 P. SUBMIT TO TESTS AND SAMPLES - Respondent, at  
7 her expense, shall participate in a random, biological  
8 fluid testing or a drug screening program which the  
9 Board approves. The length of time and frequency will  
10 be subject to approval by the Board. The respondent is  
11 responsible for keeping the Board informed of  
12 respondent's current telephone number at all times and  
13 for ensuring the reports and submitted directly by the  
14 testing agency to the Board, as directed. Any  
15 confirmed positive finding shall be reported  
16 immediately to the Board by the program and the  
17 respondent will be considered in violation of  
18 probation.

19 In addition, respondent at any time during the  
20 period of probation shall fully cooperate with the  
21 Board or any of its representatives, and shall, when  
22 requested, submit to such tests and samples as the  
23 Board or its representatives may require for the  
24 detection of alcohol, narcotics, hypnotic, dangerous  
25 drugs, or other controlled substances.

26 Q. THERAPY OR COUNSELING PROGRAM - Respondent,  
27 at her expense, shall participate in an on-going

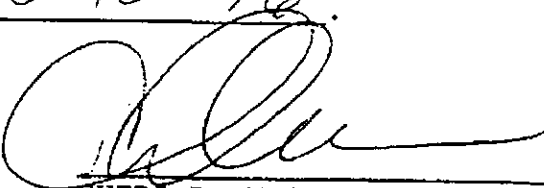
1 counseling program until such time as the Board  
2 releases her from this requirement and only upon the  
3 recommendation of the counselor. Written progress  
4 reports from the counselor will be required at various  
5 intervals.

6 6. This stipulation is subject by approval by the  
7 Board and unless and until it is so approved it shall be of no  
8 force or effect on the parties.

9 \* \* \* \* \*

10 I have read and I understand the within stipulation and  
11 understand that I am free to consult with an attorney of my  
12 choice at my expense before deciding whether to enter into the  
13 stipulation. My signature below indicates that I freely and  
14 voluntarily and with full knowledge of its force and effect,  
15 enter into this stipulation.

16 DATED: 6-10-96

17   
18  
19 CHERI R. MASON  
20 Respondent  
21  
22  
23  
24  
25  
26  
27

1           The foregoing stipulation is hereby submitted to the  
2 Board for consideration and acceptance as its order and decision  
3 in this matter.

4           DATED: JULY 11, 1996

5  
6           DANIEL E. LUNGREN, Attorney General  
            of the State of California

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8             
9           STEPHEN S. HANDIN  
            Deputy Attorney General

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Attorneys for Complainant

In the Matter of the Accusation  
Against:

CHERI R. MASON  
aka CHERI RUTH MASON TORRES  
aka CHERI RUTH MASONTORRES  
6645 Thile Street #180  
Ventura, California 93003  
License No. 403098,

### ACCUSATION

Respondent.

Ruth Ann Terry, R.N., M.P.H., for causes for discipline, alleges:

1. Complainant Ruth Ann Terry, R.N., M.P.H., makes and files this accusation in her official capacity as Executive Officer, Board of Registered Nursing, Department of Consumer Affairs.

2. On August 31, 1986, the Board of Registered Nursing issued Registered Nurse License Number 403098 to

1 Cheri R. Mason, also known as Cheri Ruth Mason Torres, also  
2 known as Cheri Ruth Masontorres. The license was in full  
3 force and effect at all times pertinent herein and has been  
4 renewed through September 30, 1996.

5  
6 3. Under Business and Professions Code section  
7 2750, the Board of Registered Nursing may discipline any  
8 licensee, including a licensee holding a temporary or an  
9 inactive license, for any reason provided in Article 3 of the  
10 Nursing Practice Act.

11 Under Business and Professions Code section 490,  
12 the Board of Registered Nursing may suspend or revoke a  
13 license when it finds that the licensee has been convicted of  
14 a crime substantially related to the qualifications,  
15 functions or duties of a licensed registered nurse.

16 Under Business and Professions Code section 125.3,  
17 the Board of Registered Nursing may request the  
18 administrative law judge to direct a licentiate found to have  
19 committed a violation or violations of the licensing act to  
20 pay a sum not to exceed the reasonable costs of the  
21 investigation and enforcement of the case.

22  
23 4. DRUGS

24 "Demerol," a brand of meperidine hydrochloride, a  
25 derivative of pethidine, is a Schedule II controlled  
26 substance as designated by Health and Safety Code section  
27 11055(c)(16).

1           5.    Respondent has subjected her license to  
2 discipline under Business and Professions Code section 2761(a)  
3 on the grounds of unprofessional conduct as defined in section  
4 2762(a) of that code in that on an unknown date in 1989, while  
5 employed through a registry and on duty at St. John's Regional  
6 Medical Center in Oxnard, California, respondent, by her own  
7 admission, committed the following acts:

8           a.    She obtained two - 100 mg. ampules of Demerol in  
9 violation of Health and Safety Code section 11173(a) by fraud,  
10 deceit, misrepresentation or subterfuge by taking the  
11 controlled substance from the hospital supply for her own  
12 personal use.

13           b.    She possessed two - 100 mg. ampules of Demerol  
14 in violation of Business and Professions Code section 4230 in  
15 that she had no prescription therefor.

16           c.    She self-administered Demerol without lawful  
17 direction from a licensed physician and surgeon, dentist or  
18 podiatrist.

19  
20           6.    Respondent has subjected her license to  
21 discipline under Business and Professions Code section 2761(f)  
22 in that on April 12, 1991, respondent was convicted by the  
23 Court on a plea of guilty of violating Vehicle Code section  
24 20002(a) (hit and run) in Ventura County Municipal Court case  
25 number 91S003326, entitled People v. Cheri R. Mason (aka Cheri  
26 Masontorres).

27           The circumstances surrounding the conviction are

1 substantially related to the qualifications, functions or  
2 duties of a licensed registered nurse, as defined in Title 16,  
3 California Code of Regulations, section 1444, in that on or  
4 about January 4, 1991, respondent was a driver of a vehicle  
5 involved in an accident resulting in damage to property.  
6 Respondent left the scene of the accident without identifying  
7 herself to the owner of the damaged vehicle.

8  
9 7. Respondent has subjected her license to  
10 discipline under Business and Professions Code section 490 in  
11 that respondent was convicted of a crime substantially related  
12 to the qualifications, functions or duties of a registered  
13 nurse, as defined in Title 16, California Code of Regulations,  
14 section 1444, as set forth in paragraph 6.

15  
16 8. Respondent has subjected her license to  
17 discipline under Business and Professions Code section 2761(a)  
18 in that respondent's conduct, as set forth in paragraphs 5, 6  
19 and 7, constitutes unprofessional conduct.

20  
21 WHEREFORE, complainant prays that a hearing be held  
22 and that the Board of Registered Nursing make its order:

23 1. Revoking or suspending Registered Nurse License  
24 Number 403098, issued to Cheri R. Mason, also known as Cheri  
25 Ruth Mason Torres, also known as Cheri Ruth Masontorres.

26 2. Ordering Cheri R. Mason, also known as Cheri Ruth  
27 Mason Torres, also known as Cheri Ruth Masontorres, to pay to

1 the Board of Registered Nursing its costs in investigating and  
2 enforcing the case according to proof at the hearing pursuant  
3 to Business and Professions Code section 125.3.

4 3. Taking such other and further action as may be  
5 deemed proper and appropriate.

6 DATED: July 18, 1995

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8  
9 Ruth Ann Terry  
10 RUTH ANN TERRY, R.N., M.P.H.  
11 Executive Officer  
12 Board of Registered Nursing  
13 Department of Consumer Affairs  
14 State of California

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27 Complainant

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